

## **DOMINICA**

*By Mr. Denis Blanc  
Superintendent of Prisons*

### **I. Prevention of Prison Violence, Challenges, Measures and Best Practices**

It is essential that everything possible be done in the quest to prevent, reduce, control and, if possible, rid our prisons of violence. Violence is any physical force exerted for the purpose of violating, damaging or abusing. It may also be a behavior involving physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, underdevelopment or deprivation. Violence may be grouped into four (04) modes:

#### **1. Physical**

This is the most visible form of abuse and is any act which results in a non-accidental trauma or physical injury. This kind of violence is usually defined as being unreasonable or unjustifiable punishment. Physical abuse injuries result from burning, punching, kicking, and hitting just to mention a few. All of these situations take place in the prison on a daily basis either from inmates or staff.

#### **2. Sexual**

Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances directed against a person using coercion by any person, regardless of their relationship to the victim, in any setting including and not limited to home or work. In regions like the ones we live in, where female officers work among the male inmates and officers and where the population is small, one can clearly understand how sexual violence against both staff and inmates can take place.

#### **3. Psychological**

Repeatedly attacking someone with the idea that they are cold, arrogant, selfish, anti-social and negative as a way of diverting attention from oneself to another. This kind of violence goes to the core of a person's being. It is said if you continually repeat negative things to someone about themselves, they may/will eventually begin to question the statement; thereby internalizing what may not be true and believing it themselves.

#### **4. Deprivation**

The act of depriving, dispossessing or bereaving. This may also take the form of deposing or divesting of some dignity. We now have an idea as to what violence really is. We must now look at prevention so that we may be able to counteract violence. Prevention literally means to keep something from happening. The term prevention is reserved for those interventions that occur before the initial onset of disorder. In prevention we look towards the promotion of constructive lifestyles and norms that discourage negative behaviors that may in themselves lead to violence. Prevention of violence may be achieved through the application of multiple strategies. It is an ongoing process that must be related to each emerging generation. Therefore, basic strategies must be put in place in helping to curb violence and if possible get rid of it all together. It must be noted that there must be a level of control to violence, especially in prisons.

Let us now look at a few basic strategies for prevention:

- Promoting good parenting skills and strengthening the family is the first level of defense in combating violence in prison. Since the one displaying the violent tendency first came from a home, it would have been beneficial if this home could have provided positive guidance, moral skills, self-esteem to carry the individual through life and thus pass on these positive attributes to their children or those depending on them as mentors. This could assist them in building academic and vocational skills that would allow the individual the potential to develop into a contributing member of society.

When this is not done in the home and that individual comes to prison, we must tailor programmes to suit that individual's needs and give them what is needed to become a better and more productive person both in the prison and upon release.

- We must raise awareness of the dangers that is associated with all the various forms of violence. This could take the form of either individual counseling or group counseling. It may be necessary to use others that have been victims of violence and also those who were the perpetrators of violence and have made a positive change. We ought also to show the benefits that can be derived from constructive behavior.
- Another area that needs to be looked at is in the strengthening of policies that would support the promotion of healthy lifestyles and the changing of prison norms. For too long a number of negative connotations about prison life have gone unchallenged, thus creating negative norms which after some time become negative habits.

It must be noted that every total institution faces its share of challenges and thus the prison is not immune. It must also be mentioned that no single approach works for everyone and so a combination of these strategies may have to be employed.

#### *The main causes of Prison Violence*

Empirical studies show that the main causes of prison violence relates to but is not limited to over crowdedness, over use of solitary confinement, inexperienced staff, poor conditions, prisoners' pre-existing violent characteristics and budget cuts.

- **Over crowdedness:-**

Most of our prisons have far surpassed their intended capacity. This has lead to poor conditions, whether it be sleeping or their general accommodation. These facilities are now too small to accommodate the influx of inmates of different temperaments staying under one roof. One can understand that this is a recipe for disaster. In recent times, we have experienced an influx of ex-criminals who have been repatriated from the metropolitan countries after serving long sentences for violent crimes committed in those countries. This brings in a new dimension to the kind of organized violence that occurs in the prison. The housing structure that was and is in place is to accommodate a number of inmates in one cell. This poses a problem with the kind of control that is necessary especially with these high level criminals. The more appropriate method of housing these would be in single type cells where more control can be exercised.

Another key area worth noting is the status of staff generally employed at those prisons. Basically, persons are just taken from the streets and are made to be responsible for securing criminals who have violent tendencies. In many instances they provoke, if not

directly, inmates to behaving violently. With no or limited training in counseling, anger management, or problem resolution, they are sent to these prisons to work. In every other field of work, some form of training is needed before entering the work place. This training has not been performed for the prisons. This in some instances leads to provocation and bullying of inmates. You can also find this kind of aggression directed towards the quieter and less secure inmates by the other more aggressive inmates. This causes the individual states of mind of the less aggressive prisoners to change, thus becoming violent.

The best practices that should be employed in the prevention of violence in prison should be geared towards reforming the entire individual. In order to transform violent behavior in inmates, inmates need to understand the origin of their anger and be told the truth that violence is learned behavior. No one was ever born with violent tendencies.

Programmes must be developed whereby inmates can develop practical skills to recognize what triggers their violent and destructive behavior and to make alternate choices. They need to learn deep listening skills while recognizing and communicating emotions and needs. In that way, they gain an understanding of how they have confused their authentic sense of self, with a self image of an authoritative male stereo type and that violence against others is a learned behavior that can be unlearned.

Research has proven that programmes, activities, and therapy are most effective when matched with a prison's rehabilitative needs, characteristics and demographics including their cultural backgrounds. This can be assessed during their initial interview on entry.

The need for group based therapy, case management, cultural sessions, educational, and vocational training must be emphasized in altering violent prisoners.

## **II Disciplinary regulations**

The company has adopted a progressive discipline policy to identify and address employee and employment related problems. This policy applies to any and all employee conduct that the company, in its sole discretion, determines must be addressed by discipline. Of course, no discipline policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the Company takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding discipline.

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance or violation of the company's policies, practices or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. Equally important, the company need not resort to progressive discipline, but may take whatever action it deems necessary to address the issue at hand. This may mean that more or less severe discipline is imposed in a given situation. Likewise, some company polices like sexual harassment and attendance, contain specific discipline procedures.

Progressive discipline may be issued on employees even when the conduct that leads to more serious discipline is not the same that resulted in less severe discipline. That is, violations of different rules shall be considered the same as repeated violations of the same rule for purposes of progressive action.

Probationary employees are held to the highest standards for behavior and job performance.

Progressive discipline is the exception rather than the rule for probationary employees.

*The Company will normally adhere to the following progressive disciplinary process:*

**1. Verbal caution**

An employee will be given a verbal caution when he or she engages in problematic behavior. As the first step in the progressive discipline policy, a verbal caution is meant to alert the employee that a problem may exist or that one has been identified, which must be addressed. Verbal warnings will be documented and maintained by your [designate either appropriate individual (e.g., "your supervisor" or "your manager")]. A verbal caution remains in effect for [specify time (e.g., three months)].

**2. Verbal warning**

A verbal warning is more serious than a verbal caution. An employee will be given a verbal warning when a problem is identified that justifies a verbal warning or the employee engages in unacceptable behavior during the period a verbal caution is in effect. Verbal warnings are documented and placed in the employee's personnel file and will remain in effect for [specify time (e.g., three months)].

**3. Written warning**

A written warning is more serious than a verbal warning. A written warning will be given when an employee engages in conduct that justifies a written warning or the employee engages in unacceptable behavior during the period that a verbal warning is in effect. Written warnings are maintained in an employee's personnel file and remains in effect for [specify time (e.g., three months)].

**4. Suspension**

A suspension without pay is more serious than a written warning. An employee will be suspended when he or she engages in conduct that justifies a suspension or the employee engages in unacceptable behavior during the period that a written warning is in effect. An employee's suspension will be documented and, regardless of the length of the suspension issued, will remain in effect for [specify time (e.g., three months)].

**5 Decision making leave**

Generally following a suspension, an employee will be reprimanded then sent home for the day on decision making leave. This is intended to help the employee decide whether they should continue employment with the company. If the employee returns, they will be expected to work harder than before to follow the Company guidelines and continue their employment without interruption. The other option with this leave is the employee may choose to resign because employment with the Company is not a match.

**6. Termination**

An employee will be terminated when he or she engages in conduct that justifies termination or does not correct the matter that resulted in less severe discipline. Again, while the Company will generally take disciplinary action in a progressive manner, it reserves the right, in its sole discretion, to decide whether and what disciplinary action is necessary.

There is no single correct approach for handling employee discipline. Accordingly, like most personnel policies, discipline policies vary greatly. Competing interests make it important for

employers to analyze what they expect a discipline policy to accomplish. Some employers adopt traditional progressive discipline or zero tolerance policies because they are interested in identifying and eliminating the problem employee. Many employment lawyers favor uniformly applied progressive discipline policies because they make a discrimination case easier to defend. These policies, however, do not always protect an employer's investment in its employees, nor does it necessarily foster a positive working environment. Whether altruistic or not, some employers seek to assist employees who experience workplace problems and tailor their discipline policy to achieve this goal. Alternate policies are proposed.

There is no set number of steps for a progressive discipline policy. Typically there are at least three steps: caution, warning & termination. Many polices provide for suspension prior to termination.

Regardless of an employer's choice, a discipline policy should be clear and specific. Likewise, it must be uniformly applied, particularly a progressive discipline policy. Thus, while a progressive discipline policy should allow for employer discretion, employers that adopt such a policy should abide by its terms, except in those rare instances that justify special treatment.

### **III. Reform and social rehabilitation of prisoner**

The Dominica Prison was constructed in October 1954 at its present site at Stock Farm to accommodate eight-four (84) inmates. At that time, persons who were sent to prison came from the lower strata of society, the majority of whom were illiterate. There were no provisions made for white colour crimes. The structures were basic and did not have the provisions as enshrined in the prison regulations then and even now.

In more recent times the young generation has become more sophisticated in their criminal behavior. This has led prison management to adopt new strategies to deal with the internal and external environment. Societal services have failed in its attempt to coerce its charges hence prison population increased.

Prison reform is a significant issue for the commonwealth of Dominica. The prison population has expanded at a phenomenal rate, often beyond the capacity of the existing system to accommodate the swelling ranks of the incarcerated. The focus for many is increasingly on reform and rehabilitation as a means to reduce recidivism. This reduces the number of individuals placed in prisons every year and allows them to return to society where they can contribute more meaningfully to the national economy.

The concept that prison reform should rehabilitate prisoners has a relatively long history in many jurisdictions, including the United States and the United Kingdom, and can be traced back to the early 19<sup>th</sup> century. During the colonial period in the Americas, prisons were not constructed as permanent detention centers for offenders. Instead, prisons acted as holding tanks for individuals awaiting trial. Sentencing was immediate and usually public. However, in the 19<sup>th</sup> century, the rehabilitative ideology emerged with the concept that convicts were victims of social and environmental conditions out of their control (Coy 989).

Early prisons that developed in the 19<sup>th</sup> century as permanent detention centers were constructed on the premise of rehabilitation. This method developed out of the predominant cultural and religious ideals of reformers and social activists (Sullivan 56). Since then, rehabilitation has been a part of the justice system in the entire Commonwealth.

Incarceration has developed over the years into the predominant form of social correction. Rehabilitation is built partially on the idea that individuals are not fully to blame for their

circumstances and thus deserve another chance to get it right. More so, however, the legal concept of intent is intimately tied with rehabilitation. This is the idea that an act is criminal if the individual willfully commits the act. Rehabilitation assumes that if one can change the intentions of a prisoner, then the prisoner can be changed as well. In this way, prisons have become a social mechanism by which re-socialization is touted as an ideal.

Within our prison, Officers are expected to reinforce social norms and break down anti- social and criminal behavior. That is the theory behind rehabilitation as an ideal, at least. However, the effectiveness of reforming the person as a rehabilitator has raised much debate among prison officials that the current system is not working and whether or not the current system is even up to this significant task.

A catch and release prison system does very little to positively affect the ability of convicts to be rehabilitated and socialized for reintegration into society.

At the moment, prison reform is high on the agenda of the Ministry of National Security in Dominica. A comprehensive baseline analysis of the Dominica Prison Service is being drawn up with a new mission, vision and goal for reform. This proposal clearly documents and defines the future direction for the prison reform in Dominica which undoubtedly will bring great improvement to the service being currently being undertaken. This reform will involve the changing of the institutions name from Prison to Correctional Facility, broadening the chain of command, increasing and training of staff including specialization, installation of modern facilities and equipment, increasing services and programs for inmates, and the establishment of new policies and procedures taking into consideration the emergence of the Caribbean Single Market and Economy.

Pursuing reform of the prison system in Dominica will involve significantly upgrading some programs currently being undertaken and the introduction of others which will help our charges lead law abiding and useful lives in custody and particularly after release. Additionally, these programs will help to protect the safety of the staff and build their capacity.

The programs will include:

- Counseling
- Psychological Services
- Case Management
- Sentence Planning
- Inmates Support Services
- Pre-release Services
- Chaplainry
- Educational and Vocational Training
  - Construction
  - Carpentry
  - Tailoring
  - Leather Craft
  - Barbering
  - Cosmetology
  - Animal Husbandry
  - Framing
  - Auto Mechanics
  - Arc Welding
  - Academics
  - Landscaping

It is hoped that the true essence of reform and social rehabilitation we seek to achieve will be put in proper perspective as far as the national security and development of Dominica and the wider region is concerned.

#### **IV. Penitentiary legislation and public policies**

In any society, governmental entities enact laws, make policies, and allocate resources. This is true at all levels. Public policy can be generally defined as a system of laws, regulatory measures, courses of action, and funding priorities concerning a given topic promulgated by a governmental entity or its representatives.

Individuals and groups often attempt to shape public policy through education, advocacy, or mobilization of interest groups. Shaping public policy is obviously different in Western-style democracies than in other forms of government but it is reasonable to assume that the process always involves efforts by competing interest groups to influence policy makers in their favor.

A major aspect of public policy is law. In a general sense, the law includes specific legislation and more broadly defined provisions of constitutional or international law. There are many ways that the law influences penitentiary administration and how they are treated and the types of services they receive. Likewise, legislation identifies areas in which research grants can be funded and often determines the amount of funding allocated. Thus, it is not surprising that public policy debates occur over proposed legislation and funding.

In the context of the penitentiary framework, advocacy groups can be very influential in attempting to influence public policy through education, lobbying, or political pressure resulting from the ever increasing magnitude of criminological events occurring in our society today. Such attempts to educate the general public and public policy makers about (1) the nature of the problems, (2) what legislation is needed to address the problems, (3) and the funding necessary to provide administrative services for the purpose of conducting relevant research and creating greater transparency and accountability requires tremendous effort. Although advocacy is viewed as unseemly by some, it is clear that public policy priorities are influenced by advocacy.

A few ways in which the legislation directly or indirectly influences the penitentiary framework:

- State and international law provides a framework for identifying basic human rights and for defining violations of these rights.
- The law defines behaviors proscribed by criminal and civil statutes and provides criminal and civil penalties for violations.
- The law establishes eligibility criteria for a host of services including crime victim compensation, and welfare.
- The law has a major impact on the level of funding and other services provided to victims. Public policy makers allocate funding for services through the appropriations process and by enacting laws that establish special service programs for those victims.
- Laws and the governmental appropriations process control funding for penitentiary administration.

## **V. Selection and training of penitentiary personnel**

What are the challenges faced, measures used, and best practices.

The selection and training of employees must play a central role in the plans of any organization. Selecting the right employees is important for three main reasons:

First, your own performance always depends in part on your subordinates. Employees with the right skills and attributes will do a better job for you and the organization. Employees without these skills, or who are abrasive or obstructionist, will not perform effectively and your own performance and the department will suffer.

Second, it is important because it is costly to recruit and train employees.

Third, it is important for all parties involved to know the legal implications of incompetency. The Dominica Prison Service has carefully reviewed the selection and training of persons for employment as Prison Officers.

- Applications are thoroughly scrutinized by an interview committee appointed by the Superintendent of Prison.
- Application forms are forwarded to the Head of the Special Branch of the Commonwealth of Dominica Police Force for vetting.
- A compiled report of applicants is sent back to the head of Department. These reports give concise information in relation to any criminal record in regards to the applicants.
- A date is then set for a face to face interview with each applicant.
- A panel of four interviewers directs structural question in relation to the job, public service, skills, and techniques of the interviewee ("See appendix 1").
- Interviewees are allowed to ask questions on related matters.
- Applicants are evaluated on a score card ("See appendix 2") on the basis of qualification 10%, skills 15%, experience 15%, and interview 15%. This entails demeanor, knowledge, and communication.
- The score cards of each applicant are tallied and forwarded to the head of the department with a report.
- Applicants selected are sent to the Permanent Secretary for the final comment and approval.
- Selected applicants commence employment.

*However, there are challenges faced in the selection and training process:*

- Too much time is spent in the approval process;
- No proper base for training of employees;
- Outdated training manual;

- Budgetary constraints for training;
- Opportunities are limited for overseas training;
- More females apply for the position; and
- Limited numbers of people meet the requirements.

*Best Possible Practices*

- Selection process is excellent;
- Selected applicants should and must not begin employment before initial training;
- Resource trainers must be sourced. This can be from within the Establishment Personnel and Training Department at the Prison Service;
- Any persons trained should be employed unless otherwise;
- A pool of applicants should be trained and training should be an ongoing process;
- Each rank and file should have the advantage of training, compatible with Prison Laws;
- Develop case studies; and
- Strategic planning to ensure that goals and objectives are met.